

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS****TITLE 8: Chapter 4, Subchapter 7, Article 25, Sections 3650 and 3664
of the General Industry Safety Orders****Operating Rules for Industrial Trucks**

There are no modifications to the information contained in the Initial Statement of Reasons except for the following sufficiently related modifications, which are the result of public comments and/or Board staff evaluation.

General Industry Safety Orders, Section 3650. Industrial Trucks. General.

As a result of written and oral comments, a modification is proposed that is necessary to eliminate the inconsistent requirement in the proposed Section 3650(s)(1), which states, "Methods shall be devised to train operators in the safe operation of powered industrial trucks." since that issue is already addressed in the recently adopted training requirements for powered industrial truck operators in Section 3668. For clarification purposes, a reference to Section 3668 has been added to Section 3650(s)(1). Additionally, a modification is proposed to clarify Section 3650(s)(7) that drivers of industrial trucks must check the vehicle at the beginning of each shift instead of at least once per shift to prevent drivers from operating an industrial truck before checking for unsafe conditions.

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS**I. Written Comments:**

Warren E. Hoemann, Vice President, California Trucking Association by letter dated September 14, 2001.

Comment:

The California Trucking Association recommends changing the beginning phrase "Drivers shall check the vehicle at least once per shift..." in Section 3650(s)(7) to:

"Every vehicle shall be inspected prior to the beginning of each shift..."

Response:

The Board agrees that a modification to the regulatory language is necessary to prevent drivers from operating an industrial truck before checking for unsafe conditions and has incorporated the proposed modification in this rulemaking.

The Board thanks Mr. Hoemann for his comments and for participating in the Board's rulemaking process.

Anne Katten, MPH and Cynthia Rice, Attorney at Law, California Rural Legal Assistance Foundation by letter dated October 15, 2001.

Comment:

The California Rural Legal Assistance Foundation supports the proposed rulemaking and expects it will prevent many serious and fatal forklift accidents because it will motivate improved compliance with the Cal/OSHA Operating Rules for Industrial Trucks.

Response:

The Board agrees with the California Rural Legal Assistance Foundation and thanks them for their support.

The Board thanks Ms. Katten and Ms. Rice for their comments and for participating in the Board's rulemaking process.

II. Oral Comments:

Oral comments received at the October 18, 2001 Public Hearing in Oakland, California.

William Jackson, CSP, Safety Manager, Granite Construction

Comment:

Mr. Jackson stated that he has concerns that the training requirements listed in the proposed Section 3650 seem unnecessarily duplicative since the Board adopted training requirements per Section 3668 less than two years ago.

Response:

The Board agrees that a modification to the current regulatory language is necessary to the extent that the second sentence, "Methods shall be devised to train operators in the safe operation of powered industrial trucks." has been deleted from Section 3650(s)(1) of the proposed language, since the training requirements have been outlined and addressed in the recently adopted Section 3668. The Board deems the reference to the training of powered industrial truck operators in the operating rules of sufficient importance to retain the first sentence, "Only drivers authorized by

the employer and trained in the safe operations of industrial trucks or industrial tow tractors shall be permitted to operate such vehicles.” in the proposed Section 3650(s)(1). Additionally, Board staff added reference to Section 3668 in the first sentence since Section 3668 contains the training requirements.

The Board thanks Mr. Jackson for his comments and for participating in the Board’s rulemaking process.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.